

EXHIBIT B

FILED
DEC 09 2021
KITSAP COUNTY CLERK
DAVID T. LEWIS III

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KITSAP COUNTY

JEFFREY V. DAGENHART and SANDRA
DAGENHART, husband and wife and the
marital community comprised thereof,

Plaintiffs,

vs.

WALMART, INC., a Delaware corporation,

Defendant,

No. 21-2-01849-18

SUMMONS

TO THE DEFENDANT:

A lawsuit has been started against you in the above-entitled Court by Jeffrey Dagenhart and Sandra Dagenhart, plaintiffs. Plaintiffs' claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of summons, or within 60 days if this Summons was served outside the State of Washington, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what she or he asks for because you have not responded. If you serve a notice of appearance on the undersigned person,

SUMMONS - 1

21-2-01849-18
SMCMP 2
Summons and Complaint
KITSAP
3212 NW B
Silver
Tel (____)
Fax (____)



1 you are entitled to notice before a default judgment may be entered. You may demand that the
2 plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be
3 served upon the person signing this summons. Within 14 days after you serve the demand, the
4 plaintiff must file this lawsuit with the court, or the service on you of this summons and
5 complaint will be void.

6 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
7 that your written response, if any, may be served on time.

8 This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of the State
9 of Washington.

10 DATED this 8th day of December 2021.

11
12 KITSAP LAW GROUP

13 
14 David P. Horton, WSBA No. 27123
15 Attorney for Plaintiffs

16 **PLEASE FILE YOUR ORIGINAL RESPONSE WITH:**

17 Kitsap County Superior Court
18 614 Division St., Room 202
19 Port Orchard, WA 98366

20 **SERVE A COPY OF YOUR RESPONSE ON:**

21 KITSAP LAW GROUP
22 3212 NW Byron Street, Suite 101
23 Silverdale, WA 98383
24 (360) 692-4888

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No. 21-2-01849-18

COMPLAINT FOR PERSONAL INJURIES
AND DAMAGES

COMES NOW the above-named Plaintiffs, by and through their attorneys of record,
David P. Horton and Kitsap Law Group and complain and allege as follows:

I.

1.1 That at all times material hereto, Plaintiffs, Jeffrey and Sandra Dagenhart resided
in Kitsap County, Washington.

1.2 That all times material hereto, Defendant, Walmart, Inc., has been a Delaware
corporation doing business in Poulsbo, Kitsap County, Washington.

II.

2.1 On March 2, 2019, Jeffrey Dagenhart, and his wife Sandra, were shopping at
Walmart Inc. Facility #5272 when Jeffrey was hit by an electric restocking cart driven by a

1 Walmart employee acting within the scope of his employment with Walmart. Mr. Dagenhart's
2 foot and ankle were twisted and wedged between the lower shelf and the floor by the cart and
3 caused a laceration on his lower leg.

4 2.2 The actions of the Walmart employee were negligent and careless.

5 2.3 That as a direct and proximate result of the above actions of Defendant, Plaintiff
6 Jeffrey Dagenhart was severely injured; that although medical attention and supportive remedies
7 have been resorted to, said injuries, together with disability, discomfort and limitation of
8 movement prevail and will continue to prevail for indefinite time into the future.

9 2.4 As a further and proximate result of the above actions of Defendant, Plaintiff
10 Sandra Dagenhart has suffered loss of consortium with her husband, Plaintiff Jeffrey Dagenhart,
11 and loss of spousal services which are continuing.

12 **III.**

13 3.1 It is impossible at this time to fix the full nature, extent, severity and duration of
14 said injuries, but they are alleged to be permanent, progressive and disabling in nature.

15 3.2 Plaintiff Jeffrey Dagenhart has incurred and will likely continue to incur medical
16 expenses, and other expenses to be proved at the time of trial, all to his general and special
17 damages, in an amount unknown.

18 3.3 Plaintiff Sandra Dagenhart did suffer loss of consortium, all of which damages are
19 continuing and which she is entitled to recover damages in an amount to be proven at trial.

20 **IV.**

21 4.1 Plaintiff Jeffrey Dagenhart hereby waives the physician/patient privilege only to
22 the extent required by RCW 5.60.060, as limited by the Plaintiff's constitutional rights of
23 privacy, contractual rights of privacy, and the obligations of physicians and attorneys not to
24

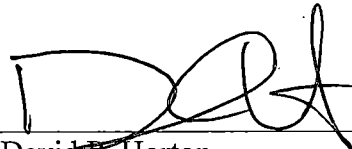
engage in ex parte contact between a treating physician and the patient's legal adversaries except as provided by court rule.

WHEREFORE, Plaintiffs pray for relief as follows:

1. For judgment against the Defendants in an amount that will fairly compensate Plaintiffs for all damages sustained in an amount to be proved at the time of trial.
2. For Plaintiffs' reasonable attorney's fees, costs and disbursements incurred herein;
3. For Plaintiffs' prejudgment interest calculated at the maximum amount allowable by law; and
4. For such other and further relief the court deems just and equitable.

DATED this 8 day of December 2021.

KITSAP LAW GROUP

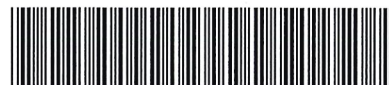


David P. Horton
WSBA No. 27123
Attorney for Plaintiffs

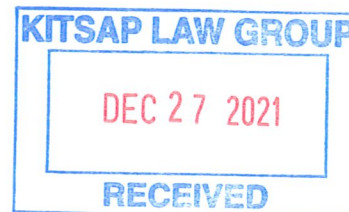
GARY'S PROCESS SERVICE, INC.
 108 Wells Ave S
 Renton, WA 98057
 Phone: (425) 277-0302

INVOICE

Invoice #GPT-2021007913
 12/20/2021



KITSAP LAW GROUP
 3212 NW BYRON ST
 STE 101
 SILVERDALE, WA 98383



Case Number: KITSAP 21-2-01849-18

Plaintiff:
JEFFREY V. DAGENHART, ET AL

Defendant:
WALMART, INC

Received: 12/15/2021 Served: 12/17/2021 10:40 am GPS/PERSONAL / CORP. SERVICE
 To be served on: WALMART, INC C/O CT CORPORATION SYSTEM

ITEMIZED LISTING

Line Item	Quantity	Price	Amount
Service Fee (Local)	1.00	65.00	65.00
TOTAL CHARGED:			\$65.00
BALANCE DUE:			\$65.00

If paying off this invoice please include a copy with your check, payment due within 30 days of invoice receipt.
 We now accept credit cards through PayPal, a \$3 transaction fee will be added.
 Visit garysprocess.com for current price list, status and request for service forms.

RETURN OF SERVICE

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KITSAP**

Case Number: 21-2-01849-18

Plaintiff: **JEFFREY V. DAGENHART, ET AL**

vs.

Defendant: **WALMART, INC**

Service Documents:

SUMMONS; COMPLAINT FOR
PERSONAL INJURIES AND DAMAGES;
CASE INFORMATION COVER SHEET

Received by GARY'S PROCESS SERVICE, INC. on the 15th day of December, 2021 at 11:43 am to be served on **WALMART, INC C/O CT CORPORATION SYSTEM, 711 CAPITOL WAY S, STE 204, OLYMPIA, WA 98501.**

I, ALICIA CLEMENTS, do hereby affirm that on the **17th day of December, 2021 at 10:40 am, I:**

personally delivered at the time and place set forth above, a true and correct copy of the **SUMMONS; COMPLAINT FOR PERSONAL INJURIES AND DAMAGES; CASE INFORMATION COVER SHEET** leaving same with JAMES ROBERTS, REPRESENTATIVE AND AUTHORIZED TO ACCEPT .

Description of Person Served: Age: 45, Sex: M, Race/Skin Color: CAUCASIAN, Height: 5'8", Weight: 175, Hair: BROWN, Glasses: N

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. that I am a resident of Washington. I am a competent person 18 years of age or older and not a party to or attorney in this proceeding and am authorized to serve the process described herein. I certify that the person, firm, or corporation served is the identical one named in this action. I hereby declare that the above statement is true to the best of my knowledge and the belief, and that it is made for use as evidence in court and is subject to penalty for perjury.


ALICIA CLEMENTS

Pierce 0118460, Place Signed

12/20/21 Federal Way WA
Date

GARY'S PROCESS SERVICE, INC.
108 Wells Ave S
Renton, WA 98057
(425) 277-0302

Our Job Serial Number: GPT-2021007913